

**IN THE MASSILLON MUNICIPAL COURT  
STARK COUNTY, OHIO**

**ADMINISTRATIVE ORDER NO. 44-2020**

- I. On March 9, 2020, Ohio Governor Mike DeWine issued Executive Order 2020-01D “Declaring a State of Emergency” in response to the growing COVID-19 public health crisis.
- II. On March 11, 2020, the World Health Organization officially declared COVID-19 to be a global “pandemic” requiring “urgent and aggressive action” to control the spread of the virus.
- III. On March 13, 2020, President Trump issued a “Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak,” stating that “additional measures” are “needed to successfully contain and combat the virus in the United States.”
- IV. On March 15, 2020, Governor Mike DeWine ordered closed all bars and restaurants other than carry-out service. On March 16, 2020, Governor DeWine ordered closed gyms, fitness centers, recreation centers, bowling alleys, indoor water parks, movie theaters, and other business. The ban does not include public buildings or Courts. The volume of people that the Massillon Municipal Court serves on a daily basis warrants additional action on behalf of the public.

FORWARDED TO: JUDGE, JR.  
CLERK OF COURT  
MASSILLON, OHIO

2020 MAR 24 PM 3:04

FILED

- V. On March 18, 2020, Ohio Attorney General Dave Yost issued Attorney General Opinion No. 2020-002, which provides that Courts may suspend jury trials to prevent the spread of the novel coronavirus, and they may do so consistent with state and federal speedy-trial obligations.
- VI. On March 22, 2020, the Ohio Director of Health, Dr. Amy Acton issued a "Stay at Home" Order to prevent the spread of contagious or infectious diseases and to prevent the spread of COVID-19.

The Massillon Municipal Court has developed flexible responses in consideration of this public health crisis. These responses are intended to protect public health, to maintain essential court functions, and to continue to protect the rights of all individuals subject to the authority of the Court.

**IT IS SO ORDERED:**

1. **The Massillon Municipal Court will remain open and functioning during the state of emergency due to COVID-19, subject to the following.**
2. For any case continued pursuant to this Order, the Court shall issue notice of the continued date to the most recent address on file.
3. For any matter continued pursuant to this Order or other order of any Judge, and to which R.C. 2945.71 applies, the period of the continuance will toll the running of the time for speedy trial as the period of any reasonable continuance granted other than upon the accused's own motion. R.C. 2945.72(H).
4. The Court hereby adopts and incorporates by reference Ohio Attorney General Opinion No. 2020-002, dated March 18, 2020, from Ohio Attorney General David Yost.

## **Fines, Costs, Community Service, and Driver Intervention Program Continuances**

5. If fines, fees, or court costs are not paid; or if community service and driver intervention programs are not performed by any respective due date, the Probation Department is directed to issue a Show Cause Order and continue the due date to Friday, July 31, 2020.

## **Traffic Arraignment**

6. For misdemeanor traffic cases, **except Operating Vehicle Under the Influence of Alcohol or Drugs (R.C. 4511.19), Having Physical Control of Vehicle While Under the Influence (R.C. 4511.194), and Stopping After Accident/Leaving the Scene of Accident (R.C. 4549)**, in which a ticket has already been filed, arraignment shall be continued to a specific date at least 60 days from the date of this Order.

7. For misdemeanor traffic cases, **except Operating Vehicle Under the Influence of Alcohol or Drugs (R.C. 4511.19), Having Physical Control of Vehicle While Under the Influence (R.C. 4511.194), and Stopping After Accident/Leaving the Scene of Accident (R.C. 4549)**, in which a ticket is filed within 60 days from the date of this Order, the arresting agency is hereby directed to schedule those cases for arraignment at least 60 days from the date the ticket is filed.

## **Evictions**

8. For pending cases in which the plaintiff seeks restitution of premises, hearings shall be continued to a specific date at least 60 days from the date of this Order.

9. Claims for eviction filed between March 24, 2020, and 60 days from the date of this Order shall be scheduled for hearing at least 60 days from the date of filing.

### **Small Claims Division**

10. Pending claims in the Small Claims Division shall be continued to a specific date as determined in the discretion of the Magistrate.

11. Any new claim filed in the Small Claims Division between March 24, 2020, and 60 days from the date of this Order shall be scheduled for hearing at least 60 days from the date of filing.


### **Miscellaneous Hearings**

12. All civil matters, including but not limited to, judgment debtor examination hearings, garnishment hearings, rent escrow hearings, damages hearings, and diversion imposition hearings shall be **STAYED** for a specific date at least 60 days from the date of this Order.

13. For at least 60 days from the date of this Order, any motion for judgment debtor examination, any motion pertaining to a rent escrow matter, and any damages hearing shall be scheduled at least 60 days from the date the motion was filed.

### **Jury Service**

14. Individuals who are summonsed for jury service are requested to stay home until or unless they are notified that their services are needed for a particular trial.

  
HON. EDWARD J. ELUM  
ADMINISTRATIVE JUDGE

  
HON. JOEL C. FICHTER  
JUDGE

**Dated: March 24, 2020**



**IN THE MASSILLON MUNICIPAL COURT  
STARK COUNTY, OHIO**

**JOURNAL ENTRY NO. 46-2020**

**IN RE: ACCESS TO MASSILLON MUNICIPAL COURT**

The Massillon Municipal Court continues to remain flexible in response to ongoing public health emergencies. Accordingly, Court policies must and will continue to adapt and change. In consideration, the Court issues the following order concerning access to the Court.

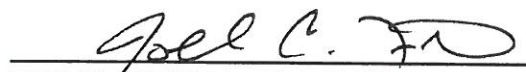
**IT IS SO ORDERED:**

That, effective March 25, 2020, all requests by law enforcement for a finding of probable cause must be submitted to the Court by 2:00 pm each day. After that time, it will be necessary to contact the Judge conducting arraignments.

That, effective March 25, 2020, public access to the Court building will close at 3:00 pm each day. All Court business, including court filings, must be conducted by 2:00 pm or other arrangements made with each individual Judge or Magistrate concerning the conducting of remote proceedings.



**HON. EDWARD J. ELUM  
ADMINISTRATIVE JUDGE**



**HON. JOEL C. FICHTER  
JUDGE**

**Dated: March 24, 2020**

FILED  
2020 MAR 24 PM 3:03  
JOHN A. MAIER, JR.  
CLERK OF COURT  
MASSILLON OHIO